

**United States District Court  
Southern District of West Virginia (Huntington)  
CIVIL DOCKET FOR CASE #: 3:17-cv-01362**

The City of Huntington v. AmerisourceBergen Drug Corporation et al  
Assigned to: Judge David A. Faber  
Case in other court: Cabell County Circuit, 17-C-38  
Cause: 21:801 Controlled Substances Act

Date Filed: 02/23/2017  
Date Terminated: 12/12/2017  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**The City of Huntington**

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V.

**Defendant**

**AmerisourceBergen Drug Corporation**

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**Defendant**

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*and*

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ATTORNEY TO BE NOTICED

**Defendant****Gregory Donald Chaney****M.D.****TERMINATED: 08/03/2017**

Date Filed	#	Docket Text
02/23/2017	<u>1</u>	NOTICE OF REMOVAL by Cardinal Health, Inc., McKesson Corporation, AmerisourceBergen Drug Corporation with summons, complaint, amended complaint and docket sheet from Circuit Court of Cabell County. Filing Fee \$400.00. Receipt #0425-5366317. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, Part 1, # <u>3</u> Exhibit B, Part 2, # <u>4</u> Exhibit B, Part 3, # <u>5</u> Civil Cover Sheet) (jsa)
02/23/2017	<u>2</u>	STANDING ORDER IN RE: ASSIGNMENT AND REFERRAL OF CIVIL ACTIONS AND MATTERS TO MAGISTRATE JUDGES ENTERED JANUARY 4, 2016. Discovery referred to Magistrate Judge Eifert. (cc:attys; any unrepresented party) (jsa)
02/23/2017	<u>1</u>	CASE assigned to Chief Judge Robert C. Chambers. (klc) (Entered: 02/24/2017)
02/24/2017	<u>3</u>	ORDER AND NOTICE: Rule 12(b) Motions 3/15/2017. Rule 26(f) Meeting 3/27/2017. Last day to file report of Rule 26(f) Meeting 4/3/2017. Scheduling/status Conference at 11:30 AM on 4/17/2017 in Huntington. Entry of Scheduling Order 4/24/2017. Last Day to make Rule 26(a)(1) disclosures 5/1/2017. Signed by Judge Robert C. Chambers on 2/24/2017. (cc: attys; any unrepresented parties) (mkw)
02/24/2017	<u>4</u>	DISCLOSURE STATEMENT PURSUANT TO RULE 7.1, Federal Rules of Civil Procedure, by Defendant Cardinal Health, Inc. (Robinson, Susan)
02/24/2017	<u>5</u>	DISCLOSURE STATEMENT PURSUANT TO RULE 7.1, Federal Rules of Civil Procedure, by Defendant AmerisourceBergen Drug Corporation (Schwendeman, Adam)
02/27/2017	<u>6</u>	DISCLOSURE STATEMENT PURSUANT TO RULE 7.1, Federal Rules of Civil Procedure, by Defendant McKesson Corporation (Wakefield, Jeffrey)
02/27/2017	<u>7</u>	STATEMENT OF VISITING ATTORNEY from F. Lane Heard, III on behalf of Cardinal Health, Inc. Local counsel: Susan M. Robinson. Fee \$50.00. Receipt # 0425-5377824. (Robinson, Susan)
02/27/2017	<u>8</u>	STATEMENT OF VISITING ATTORNEY from Enu Abhilasha Mainigi on behalf of Cardinal Health, Inc. Local counsel: Susan M. Robinson. Fee \$50.00. Receipt # 0425-5377885. (Robinson, Susan)
02/27/2017	<u>9</u>	STATEMENT OF VISITING ATTORNEY from Steven M. Pyser on behalf of Cardinal Health, Inc. Local counsel: Susan M. Robinson. Fee \$50.00. Receipt # 0425-5377922. (Robinson, Susan)
02/27/2017	<u>10</u>	STATEMENT OF VISITING ATTORNEY from Elizabeth P. Kessler on behalf of Cardinal Health, Inc. Local counsel: Susan M. Robinson. Fee \$50.00. Receipt # 0425-5378486. (Robinson, Susan)
02/27/2017	<u>11</u>	STATEMENT OF VISITING ATTORNEY from James R. Wooley on behalf of Cardinal Health, Inc. Local counsel: Susan M. Robinson. Fee \$50.00. Receipt # 0425-5378502. (Robinson, Susan)
03/02/2017	<u>12</u>	ANSWER TO Complaint attached to the <u>1</u> Notice of Removal by McKesson Corporation.(Wakefield, Jeffrey) (Modified on 3/3/2017 to add link to the # 1 notice of removal) (kp).

03/02/2017	<u>13</u>	MOTION by AmerisourceBergen Drug Corporation to Dismiss Complaint attached to <u>1</u> Notice of Removal. (Emch, A.) (Modified on 3/3/2017 to add link to #1 notice of removal) (dvb)
03/02/2017	<u>14</u>	MEMORANDUM by AmerisourceBergen Drug Corporation in support of <u>13</u> MOTION by AmerisourceBergen Drug Corporation to Dismiss Complaint attached to <u>1</u> Notice of Removal. (Emch, A.)
03/02/2017	<u>15</u>	MOTION by Cardinal Health, Inc. to Dismiss Complaint and Amended Complaint attached to the <u>1</u> Notice of Removal (Attachment: # <u>1</u> Exhibit A)(Robinson, Susan)
03/02/2017	<u>16</u>	MEMORANDUM by Cardinal Health, Inc. in support of <u>15</u> MOTION by Cardinal Health, Inc. to Dismiss Complaint and Amended Complaint attached to the <u>1</u> Notice of Removal (Robinson, Susan)
03/02/2017	<u>17</u>	STATEMENT OF VISITING ATTORNEY from Meredith S. Auten on behalf of AmerisourceBergen Drug Corporation. Local counsel: Adam J. Schwendeman. Fee \$50.00. Receipt # 0425-5390248. (Schwendeman, Adam)
03/15/2017	<u>18</u>	MOTION by The City of Huntington to Remand Case to Circuit Court of Cabell County (Webb, Charles)
03/15/2017	<u>19</u>	MEMORANDUM by The City of Huntington in support of <u>18</u> MOTION by The City of Huntington to Remand Case to Circuit Court of Cabell County (Webb, Charles)
03/15/2017	<u>20</u>	MOTION by McKesson Corporation for Judgment on the Pleadings (Wakefield, Jeffrey)
03/15/2017	<u>21</u>	MEMORANDUM OF LAW by McKesson Corporation in support of <u>20</u> MOTION by McKesson Corporation for Judgment on the Pleadings (Wakefield, Jeffrey)
03/15/2017	<u>22</u>	MOTION by The City of Huntington to Stay response deadline to <u>13</u> MOTION by AmerisourceBergen Drug Corporation to Dismiss Complaint, <u>15</u> MOTION by Cardinal Health, Inc. to Dismiss Complaint and Amended Complaint, <u>20</u> MOTION by McKesson Corporation for Judgment on the Pleadings and other pending case management deadlines re: <u>3</u> Order and Notice. (Webb, Charles)
03/16/2017	<u>23</u>	ORDER granting <u>22</u> MOTION by The City of Huntington to Stay response deadline to <u>13</u> MOTION by AmerisourceBergen Drug Corporation to Dismiss Complaint, <u>15</u> MOTION by Cardinal Health, Inc. to Dismiss Complaint and Amended Complaint, <u>20</u> MOTION by McKesson Corporation for Judgment on the Pleadings and other pending case management deadlines; STAYING all deadlines pertaining to the said pending motions and STAYING deadlines set by this Court for the Rule 26(f) meeting; directing the parties to respond and reply to Plaintiff's <u>18</u> MOTION to Remand as directed by the federal rules; the Court will reset deadlines for responses and replies for the other pending motions, if necessary, after resolution of Plaintiff's motion. Signed by Judge Robert C. Chambers on 3/16/2017. (cc: attys; any unrepresented parties) (mkw)
03/29/2017	<u>24</u>	OPPOSITION by AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation to <u>18</u> MOTION by The City of Huntington to Remand Case to Circuit Court of Cabell County (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Robinson, Susan)
04/05/2017	<u>25</u>	ORDER for reasons appearing to the Court, this action is hereby REASSIGNED from the docket of the Honorable Robert C. Chambers, United States District Judge, to the docket of the Honorable David A. Faber, United States District Judge, for all further proceedings. Signed by Clerk of Court Teresa L. Deppner on 4/5/2017. (cc: Judge Chambers, Judge Faber, all counsel of record, and any unrepresented party). (skh)
04/24/2017	<u>26</u>	ORDER for reasons appearing to the Court, the referral of this civil action for discovery matters is transferred from the Honorable Cheryl A. Eifert, United States Magistrate Judge, to the Honorable

		Omar J. Aboulhosn, United States Magistrate Judge. Signed by Clerk of Court Teresa L. Deppner on 4/24/2017. (cc: Magistrate Judge Eifert; Magistrate Judge Aboulhosn; counsel of record; any unrepresented party). (klc)
04/27/2017	<u>27</u>	ORDER by Order entered on April 26, 2017, the court scheduled a status conference for May 2, 2017, at 11:00 a.m., in Charleston in the following cases that have issues similar to the ones presented herein: 2:17-cv-01666, 3:17-cv-01665, 2:17-cv-01957, 3:17-cv-01962, 2:17-cv-02028, 2:17-cv-02296, and 5:17-cv-02311; if counsel in the cases herein wish to participate in the status conference, they are invited to do so. Signed by Judge David A. Faber on 4/27/2017. (cc: attys) (mkw)
05/02/2017	<u>28</u>	STATEMENT OF VISITING ATTORNEY from Eric Sitarchuk on behalf of AmerisourceBergen Drug Corporation. Local counsel: Adam J. Schwendeman. Fee \$50.00. Receipt # 0425-5570435. (Schwendeman, Adam)
05/11/2017	<u>29</u>	MOTION by Elizabeth P. Kessler to Withdraw Appearance on behalf of Cardinal Health, Inc. (Attachment: # <u>1</u> Proposed Order)(Robinson, Susan) (Modified on 5/12/2017 to remove link to # 10 and convert event to motion to withdraw attorney) (ts)
05/11/2017	<u>30</u>	MOTION by James R. Wooley to Withdraw Appearance on behalf of Cardinal Health, Inc. (Attachment: # <u>1</u> Proposed Order) (Robinson, Susan) (Modified on 5/12/2017 to remove # 11 link and to convert event to motion to withdraw as attorney) (kp).
07/19/2017	<u>31</u>	NOTICE <i>Regarding Potential Non-Party Fault Under W. Va. Code §55-7-13d</i> by Cardinal Health, Inc. (Robinson, Susan)
07/19/2017	<u>32</u>	NOTICE <i>Regarding Potential Nonparty Fault Under W.Va. Code § 55-7-13d</i> by McKesson Corporation (Holliday, Jason)
07/19/2017	<u>33</u>	NOTICE <i>Regarding Potential Nonparty Fault Under W.Va. Code § 55-7-13d</i> by AmerisourceBergen Drug Corporation (Schwendeman, Adam)
07/20/2017	<u>34</u>	MOTION by The City of Huntington to Dismiss Complaint Attached to <u>1</u> Notice of Removal Pursuant to Rule 41(a)(2) of the F.R.C.P. (Attachment: # <u>1</u> Proposed Order – Pursuant to Rule 41(a)(2))(Webb, Charles) (Modified on 7/21/2017 to add link to #1 notice of removal) (kp).
07/24/2017	<u>35</u>	NOTICE OF WITHDRAW by The City of Huntington of <u>34</u> MOTION by The City of Huntington to Dismiss Complaint Pursuant to Rule 41(a)(2) of the F.R.C.P. (Webb, Charles)
07/25/2017	<u>36</u>	ORDER granting <u>29</u> and <u>30</u> MOTIONS by Elizabeth P. Kessler and James R. Wooley to Withdraw as Attorney for Defendant Cardinal Health, Inc. Attorney Elizabeth P. Kessler and James R. Wooley terminated. Signed by Senior Judge David A. Faber on 7/25/2017. (cc: attys; any unrepresented party) (mk)
07/25/2017	<u>37</u>	ORDER: Plaintiff filed a <u>34</u> MOTION for voluntary dismissal of its complaint, pursuant to Federal Rule of Civil Procedure 41(a)(2). On 7/24/2017, Plaintiff moved to withdraw its <u>35</u> MOTION to dismiss. Plaintiff's MOTION to withdraw is GRANTED and the motion to dismiss is DENIED as moot. Signed by Senior Judge David A. Faber on 7/25/2017. (cc: attys; any unrepresented party) (mk)
08/03/2017	<u>38</u>	MEMORANDUM OPINION AND ORDER denying Plaintiff's <u>18</u> MOTION to Remand to Circuit Court; directing that this action, insofar as it relates to Defendant Gregory Donald Chaney, is dismissed without prejudice. Signed by Judge David A. Faber on 8/3/2017. (cc: counsel of record; unrepresented parties; Circuit Court of Cabell County, West Virginia) (jsa)
10/24/2017	<u>39</u>	MOTION by Eric Sitarchuk to Withdraw Appearance on behalf of AmerisourceBergen Drug Corporation (Emch, A.)



10/24/2017	<u>40</u>	MOTION by Meredith S. Auten to Withdraw Appearance on behalf of AmerisourceBergen Drug Corporation (Emch, A.)
11/03/2017	<u>41</u>	STATEMENT OF VISITING ATTORNEY from Shannon E. McClure on behalf of AmerisourceBergen Drug Corporation. Local counsel: Adam J. Schwendeman. Fee \$50.00. Receipt # 0425-6083885. (Schwendeman, Adam)
11/08/2017	<u>42</u>	STATEMENT OF VISITING ATTORNEY from Robert A. Nicholas on behalf of AmerisourceBergen Drug Corporation. Local counsel: Adam J. Schwendeman. Fee \$50.00. Receipt # 0425-6091295. (Schwendeman, Adam)
12/05/2017	<u>43</u>	NOTIFICATION FROM JUDICIAL PANEL ON MULTIDISTRICT LITIGATION re: Transfer Order MDL 2804. (ts)
12/11/2017	<u>44</u>	STATEMENT OF VISITING ATTORNEY from Joseph F. Rice on behalf of The City of Huntington. Local counsel: Charles R. "Rusty" Webb. Fee \$50.00. Receipt # 0425-6138118. (Attachments: # <u>1</u> Exhibit Transaction Receipt from The West Virginia State Bar for \$358.00 (USD))(Webb, Charles)
12/12/2017	<u>45</u>	TRANSFER ORDER, JUDICIAL PANEL ON MDL: certified copy from the Northern District of Ohio transferring this action to the USDC/NDOH for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Signed by Sarah S. Vance, Chair for the Panel on Multidistrict Litigation on 12/05/2017. (cc: attys)(rmc)